## STATE OF MONTANA BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF DECERTIFICATION #3-79:

MONTANA FEDERATION OF TEACHERS,

Petitioner,

GREAT FALLS SCHOOL DISTRICT NO. 1 and the GREAT FALLS VOCATIONAL-TECHNICAL CENTER,

FINAL ORDER

Employer,

GREAT FALLS EDUCATION ASSOCIATION,

Respondent.

On January 31, 1979, the Montana Federation of Teachers, AFT, AFL-CIO, filed a petition for decertification of the Montana Education Association, Great Falls Education Association, as representatives of the teaching staff and counselors at the Great Falls Vocational-Technical Center. On May 21, 1979, the petition was served on the Superintendent of Great Falls School District No. 1.

Motions to Dismiss were filed by the Great Falls Education Association and by Great Falls School District No. 1.

An Administrator's Order was issued on July 13, 1979, granting the Motions to Dismiss and dismissing the decertification petition on grounds that it was an attempt to decertify part of an existing bargaining unit and was therefore inconsistent with previous Board policy. Petitioner filed Exceptions to the Administrator's Order on July 20, 1979, and oral argument was scheduled before the Board of Personnel Appeals on September 18, 1979.

After considering the record of proceedings, briefs and other pleadings, the Board of Personnel Appeals orders as follows:

- 1. That it reaffirms its position on partial decertifications outlined in Declaratory Judgment No. 1-1976 (see attachment).
- 2. That the Exceptions to the Order of the Administrator and Motion for Hearing dated July 20, 1979, are denied.
- 3. That the Order of the Administrator dated July 13, 1979, is adopted as the Final Order of this Board.

DATED this 79 day of October, 1979.

BOARD OF PERSONNEL APPEALS

By Jent Cromley

## CERTIFICATE OF MAILING

I, Jennifer Jacobson, do hereby certify and state that I mailed a true and correct copy of the above FINAL ORDER to the following persons on the 29 day of October, 1979:

Leslie S. Waite, TII
WAITE, CRUIKSHANK & SCHUSTER
21 Tenth Street South
P.O. Box 2071
Great Falls, MT 59403

Ms. Emilie Loring HILLEY & LORING 1713 Tenth Avenue South Great Falls, MT 59405

Mr. Cordell R. Brown Montana Federation of Teachers P.O. Box 1246 Helena, MT 59601

Jennifes Jacobson.

## STATE OF MONTANA BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF DC-3-79: MONTANA FEDERATION OF TEACHERS,) Petitioner, GREAT FALLS SCHOOL DISTRICT 6 NO. 1 and the GREAT FALLS VOCATIONAL-TECHNICAL CENTER, 7 Employer, 8 GREAT FALLS EDUCATION 9 ASSOCIATION, 10 Respondent. 11 \* \* \* \* \* \* \* 12 The Great Falls Education Association and the Great Falls School District #1 have filed motions to dismiss the decertification 13 14 petition filed by the Montana Federation of Teachers. These 15 motions are granted for the following reasons: 16 The Petitioner is attempting to decertify part of an 17 existing bargaining unit. 18 The Board of Personnel Appeals has consistently ruled 19 that a decertification petition must seek decertification of an 20 existing representative in the recognized or certified unit, not 21 a part of a unit. UD-19-75 (Helena Vo-Tech); DC-2-75 (Department 22 of Highways, Big Timber Unit); DC-5-75 (Department of Highways, 23 Havre Division); Unit Modification 3-77 (Helena Vo-Tech); 24Declaratory Judgment 2-75; DC-4-78 (Lewis and Clark County 25 Sheriff's Department). 26

DATED this 13 day of July, 1979.

BOARD OF PERSONNEL APPEALS

ORDER

Administrator

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## CERTIFICATE OF MAILING

I, Jennifer Jacobson, do hereby certify and state that on the \_\_/3 day of July, 1979, I mailed a true and correct copy of the above ORDER on DC-3-79 to the following persons:

Leslie S. Waite, III WAITE, CRUIKSHANK & SCHUSTER P.O. Box 2071 Great Falls, MT 59403

Ms. Emilie Loring HILLEY & LORING 1713 Tenth Avenue South Great Falls, MT 59405

Cordell R. Brown Montana Federation of Teachers P.O. Box 1246 Helena, MT 59601

Jehnifer Jacobson

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